REMARKS

Claims 1-4, 6-11 and 13-14 are pending in this application, with claims 8-14 being withdrawn from consideration. By this Amendment, claims 1-4, 6-11 and 13-14 are amended and claims 5 and 12 are canceled. No new matter is added.

Applicants thank Examiners Wood and Cheny for the courtesies extended during the March 4 personal interview. Applicants' summary of the substance of the interview is incorporate into the following response.

I. Formal Matters

The Office Action restricts the claims between Group I, claims 1-7 directed to a laminated and molded body, and Group II, claims 8-14 directed to a manufacturing method of a laminated and molded body. Applicants affirm their oral election of Group I, claims 1-7, with traverse. Accordingly, claims 8-14 stand withdrawn. However, as discussed during the interview, because claim 8 has been amended to depend from product claim 1, upon indication of allowance of claim 1, it is requested that claim 8 and claims 9-11 and 13-14 dependent therefrom be rejoined with the application. See MPEP §821.04.

II. Pending Claims 1-7 Define Patentable Subject Matter

In the Office Action, claims 1-7 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,712,009 to Moore et al. in view of U.S. Patent No. 6,244,454 to Yoshioka. This rejection is respectfully traversed.

Preliminarily, Applicants note that Yoshioka was not submitted by Applicants and was not officially cited on the PTO-892 attached with the Office Action. Therefore, Applicants ask that this reference be cited on a PTO-892 in the next Patent Office communication to expressly have the Yoshioka reference of record.

Independent claim 1 is revised to incorporate the feature of canceled dependent claim 5 and to clarify that the color layer is continuously varied (to provide a gradated effect).

Similarly, withdrawn method claim 8 is amended to incorporate the feature of canceled dependent claim 12. The laminated and molded body of independent claim 1 uses co-extruded materials of which at least one layer of a first kind of resin comprises a colored layer having a thickness that is continuously varied in a predetermined direction such as a direction parallel to an extruding direction as shown in the body section of Applicants' Fig. 2, and at least one other kind of resin material, that improves the aesthetics of the body by providing a gradated coloring effect or color depth. However, as described in Applicants' paragraphs 3-5, if such variation is achieved by providing a colored layer with a wall thickness difference, problems can arise during the subsequent blow molding as the thin portions of the container have a lowered rigidity so that strength of the container is affected by the regions that are thinned or thickened. The subject matter of claim 1 can address such problems by providing a full thickness of the laminated and molded body that is substantially constant along the predetermined direction of the color variation.

For example, as shown in Applicants' Figure 2, while the colored layer 2 may increase in thickness in a direction such as the longitudinal direction to provide a gradated colored appearance, the remaining co-extruded layer 1 has its thickness inversely modified such that the total thickness t remains substantially constant along the length of the gradated color variation. By such a formation, the aesthetic appearance can be enhanced, while the structural properties of the bottle can be maintained to be consistent throughout the predetermined direction, as described in Applicants' paragraph 10.

Moore provides a coextruded multilayer plastic container. However, there is no teaching or appreciation that color variation may be achieved by continuously varying the thickness of a colored layer. Moreover, Moore fails to appreciate the problems with blow molding that would arise if one of the layers were changed in thickness along a predetermined direction.

Yoshioka fails to overcome the deficiencies of Moore with respect to independent claim 1. In particular, although Yoshioka teaches varying of a thickness of one layer of a multi layer container, this is for the specific purpose of increasing structural rigidity at certain portions of the container, such as the neck or bottom (col. 1, line 57 to col. 2, line 25 and Figs. 1a and 1b). There is no teaching of color variation along a direction. Moreover, there is no teaching to maintain a constant full thickness t along the direction of the varying layer. Rather, Yoshioka teaches away by suggesting a desirability to an increased thickness to provide higher rigidity portions at regions such a the bottom or neck, or at rib sections along the body. Therefore, even if combined, the combination fails to teach or suggest having a varying color layer thickness while a full thickness of the laminated and molded body is substantially constant along the predetermined direction as recited in claim 1. The combination also fails to teach having the full thickness being substantially constant in a direction parallel to the extruding direction as recited in dependent claims 2 and 4. Accordingly, independent claim 1 and claims dependent therefrom, distinguish over Moore and Yoshioka.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 1, 2 and 4 are rejected under 35 U.S.C. §103(a) over Moore et al. in view of Japanese Patent Publication No. JP5-220739 to Ono. This rejection is respectfully traversed.

Moore is discussed above. Ono fails to overcome the deficiencies of Moore with respect to independent claim 1. Ono is directed generally to a co-extruded material, but is not concerned with color layers or a gradated appearance. Ono also fails to teach continuously varying a thickness in a color layer (to obtain a gradated effect) along a direction while maintaining a full thickness of the body substantially constant along the predetermined direction, such as a direction parallel to the extruding direction as described in Applicants'

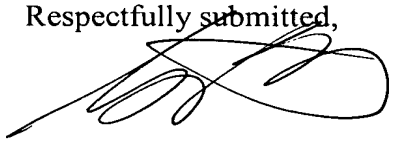
Fig. 2 and recited in dependent claims 2 and 4. Instead, there is a sharp demarcation where the two components meet.

Accordingly, independent claim 1 and claims dependent therefrom, distinguish over Moore and Ono. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 and 6-7, as well as rejoinder and allowance of withdrawn method claims 8-11 and 13-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Stephen P. Catlin
Registration No. 36,101

JAO:SPC/ccs

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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